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DOC #: _____ THE CITY OF NEW YORK
DATE FILED: 7/25/08 LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

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July 24, 2008

BY FAX: (212) 805-6326

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: Luis Colon v. The City of New York et al. 08 CV 4453 (CM)

Your Honor:

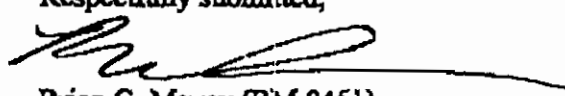
I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of this action on behalf of defendants City of New York. I am writing to request permission to file a late complaint in this matter. Your honor previously granted the City an extension of time to file their answer until July 2, 2008. I have spoken with plaintiff's counsel, Michael Spiegel, Esq., who consents to a late filing.

Upon review of my cases, I realized that I failed to file an answer in this matter on July 2, 2008. This was solely the result of oversight and I apologize to the Court and plaintiff's counsel for my error. However, as the parties have been moving forward, I do not believe my error has caused any delay or prejudice in this matter.

Should the Court grant my request to file a late answer, I will immediately file the answer on behalf of the City and the newly served Defendant Rapiejko.

Thank you for your consideration in this regard.

Respectfully submitted,


Brian G. Maxey (BM 0451)

BY FAX: Michael Spiegel, Esq. (212) 571-7767

7/25/08
File your answer
by Tuesday 5pm
Cm